

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

NEKEYIA HOGSETTE)	
)	
Plaintiffs,)	
)	Case No.:
v.)	
)	
OCWEN LOAN SERVICING, LLC,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Comes now Defendant Ocwen Loan Servicing, LLC, pursuant to 28 U.S.C. §§ 1441 and 1446, and files this Notice of Removal of this action from the General Sessions Court of Shelby County, Tennessee and respectfully states as follows:

1. On February 27, 2012, Plaintiff, Nekeyia Hogsette, filed a Civil Warrant, seeking removal of certain loan references from her credit reports ("Civil Warrant") in the General Sessions Court of Shelby County, Tennessee, Civil Warrant No. 1544934 ("State Court Action"). The State Court Action is still pending in the State Court. A copy of the Civil Warrant is attached hereto as Exhibit A pursuant to 28 U.S.C. § 1446(a).

2. While the gravamen of Plaintiff's claims are not express based on the abbreviated format of a civil warrant, based on subsequent communications from Plaintiff to Ocwen, Defendant avers that Plaintiff's claims arise from the Fair Credit Reporting Act 15 U.S.C. § 1681 et seq. and/or the Real Estate Settlement Procedures Act 12 U.S.C. §§ 2601-2617. The State Court Action is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331 because Plaintiff has asserted causes of action based on 15 U.S.C. § 1681 et

seq. and/or 12 U.S.C. §§ 2601-2617. The State Court Action is therefore removable under 28 U.S.C. § 1441.

3. To date, Defendant has not made any appearance in the State Court Action.

4. Pursuant to 28 U.S.C. § 1446(b), Defendant has filed this Notice prior to the expiration of thirty (30) days following its receipt of a copy of the Civil Warrant.

5. Pursuant to 28 U.S.C. § 1446(d), Defendant will give written notice to Plaintiff and will file a Notice of Filing of Notice of Removal, a copy of which is attached hereto as Exhibit B, with the Clerk of the General Sessions Court of Shelby County, Tennessee.

6. Because this action is pending in the General Sessions Court of Shelby County, Tennessee, removal to the United States District Court for the Western District of Tennessee is proper under 28 U.S.C. § 1441(a).

WHEREFORE, Defendant Ocwen Loan Servicing, LLC prays that the State Court Action now pending against it in the General Sessions Court of Shelby County, Tennessee be removed to this Court.

Respectfully submitted,

s/Shannon Wiley

Jay A. Ebelhar (TN 22770)
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*Attorneys for Defendant Ocwen Loan
Servicing*

CERTIFICATE OF SERVICE

I hereby certify that on this the 30th day of March, 2012, a copy of the foregoing was electronically filed and a copy of said electronically filed document was served upon the party listed below by first class mail, postage prepaid, along with a Notice of Electronic Filing.

Nekeyia Hogsette
3949 Autumn Harvest Lane
Memphis, TN 38125

s/Shannon Wiley